

ENTERED

April 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MANUEL SOSA,

Plaintiff,

VS.

CT RESTAURANT, LP, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:23-CV-031

ORDER

In August 2020, Plaintiff Manuel Sosa filed this negligence action against Defendants CT Restaurant, LP, Crescent Capital Investments, LLC, Cajun Operation Company, and Church's Chicken in a Texas state court. (Orig. Pet., Doc. 1-4) Over two years later, in February 2023, Defendants removed the matter to this Court. (Notice of Removal, Doc. 1)

On March 10, Sosa filed a Motion to Remand (Doc. 5). When Defendants failed to timely respond, a Magistrate Judge ordered them to show cause as to why the Motion should not be considered unopposed. (Order, Doc. 6) Defendants then filed a Response (Doc. 7). Now, the Magistrate Judge recommends the Motion be granted because Defendants' removal was untimely and because Defendants failed to show that Sosa acted in bad faith to avoid removal. (R&R, Doc. 8)


No party filed objections to the Report and Recommendation, and the Court finds no clear error within it. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 8). It is:

ORDERED that Plaintiff Manuel Sosa's Motion to Remand (Doc. 5) is **GRANTED**; and

ORDERED that this case is **REMANDED** to the Cameron County Court at Law 3 in Cameron County, Texas.

Signed on April 28, 2023.


Fernando Rodriguez, Jr.
United States District Judge